

ESTTA Tracking number: **ESTTA562580**

Filing date: **10/02/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	NATURAL CHEMISTRY L.P.		
Entity	Limited Partnership	Citizenship	Delaware
Address	40 RICHARDS AVENUE NORWALK, CT 06854 UNITED STATES		

Attorney information	Roger H. Bora Thompson Hine LLP 10050 Innovation Drive, Suite 400 Dayton, OH 45342 UNITED STATES trademarks@thompsonhine.com, roger.bora@thompsonhine.com Phone:937.443.6817
----------------------	--

### Registrations Subject to Cancellation

Registration No	4268645	Registration date	01/01/2013
Registrant	Stellar Technology Company 1647 Sauget Business Boulevard Sauget, IL 62206 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 001. First Use: 2010/09/29 First Use In Commerce: 2011/02/11  
All goods and services in the class are cancelled, namely: Water treatment chemicals for use in swimming pools and spas

### Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)		
Registration No	4268646	Registration date	01/01/2013
Registrant	Stellar Technology Company 1647 Sauget Business Boulevard Sauget, IL 62206 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 001. First Use: 2010/09/29 First Use In Commerce: 2011/02/11  
All goods and services in the class are cancelled, namely: Water treatment chemicals for use in swimming pools and spas

### Grounds for Cancellation

Priority and likelihood of confusion		Trademark Act section 2(d)	
Registration No	4276144	Registration date	01/15/2013
Registrant	Stellar Technology Company 1647 Sauget Business Boulevard Sauget, IL 62206 UNITED STATES		

## Goods/Services Subject to Cancellation

Class 001. First Use: 2010/09/29 First Use In Commerce: 2011/02/11  
All goods and services in the class are cancelled, namely: Water treatment chemicals for use in swimming pools and spas

## Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

## Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85324935	Application Date	05/19/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	POOL PERFECT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 2011/01/01 First Use In Commerce: 2011/01/01 Water treatment chemicals for use in swimming pools and spas		

Attachments	Petition to Cancel Perfect Pool Registrations 4268645, 4268646, 4276144.pdf(276970 bytes )
-------------	--

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/rhb/
Name	Roger H. Bora
Date	10/02/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration Nos. 4268645, 4268646 and 4276144

Marks: PERFECT POOL 3" TABLETS & Design, PERFECT POOL GRANULES & Design  
and PERFECT POOL SHOCK & Design

NATURAL CHEMISTRY L.P.

Petitioner,

v.

STELLAR TECHNOLOGY COMPANY

Registrant.

Petition for Cancellation

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**PETITION FOR CANCELLATION**

Natural Chemistry L.P. ("Petitioner"), a limited partnership, located at 40 Richards Avenue, Norwalk, Connecticut, organized and existing under the laws of the State of Delaware, believes that it will be damaged by the continued registration of the marks shown in U.S. Registration Nos. 4268645, 4268646 and 4276144, listed in the name of Stellar Technology Company ("Registrant"), which is believed to be located at 1647 Sauget Business Boulevard, Sauget, Illinois, and hereby petitions to cancel the same pursuant to Section 14(1) of the Lanham Act of 1946, 15 U.S.C. § 1064(1).

As grounds therefor, Petitioner alleges as follows:

1. Petitioner owns application Serial No. 85/324,935, to register the mark POOL PERFECT (the "Application").

2. The registered marks PERFECT POOL 3" TABLETS & Design, Reg. No. 4268645, PERFECT POOL GRANULES & Design, Reg. No. 4268646, and PERFECT POOL SHOCK & Design, Reg. 4276144 (the "Cited Registrations"), listed in the name of Registrant, have been cited pursuant to section 2(d) of the Trademark Act as a basis for refusing registration of Petitioner's mark POOL PERFECT; thus blocking the Application.

3. Each of the Cited Registrations claim a date of first use anywhere as September 29, 2010, and claim a date of first use in interstate commerce as February 11, 2011.

4. Each of the Cited Registrations list an application filing date of June 2, 2010.

5. Petitioner has used the mark POOL PERFECT in U.S. commerce for water treatment chemicals for use in swimming pools and spas since at least as early at 1995, the date listed in the Application pursuant to an amendment filed on October 2, 2013.

6. Long before Registrant first used the marks depicted in the Cited Registrations for water treatment chemicals for use in swimming pools and spas, Petitioner used the mark POOL PERFECT in the United States for the identical goods.

7. The continued unauthorized use (and registration) of the Registrant's subject marks for water treatment chemicals for use in swimming pools and spas is likely to cause confusion, or mistake, or to deceive consumers as to the origin of Registrant's goods, or mislead consumers into believing that they are in some way associated with Petitioner or Petitioner's goods.

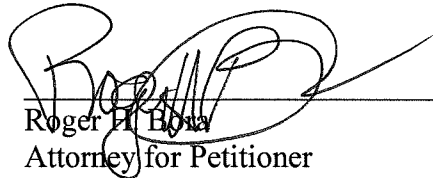
8. Petitioner will be damaged by the continuing registration of the cited marks because the Cited Registrations are barriers to the registration of Petitioner's mark POOL PERFECT, depicted in the Application, and because the Cited Registrations give color of right therein to Registrant inconsistent with Petitioner's prior rights.

WHEREFORE, Petitioner requests that Registration Nos. 4268645, 4268646 and 4276144 be canceled.

The cancellation fee in the amount of \$300.00 per class per registration is being paid concurrently with this filing by credit card. Should that amount be insufficient, please charge our Deposit Account No. 20-0809 and please reference the trademark application Serial No. involved in this proceeding.

October 2, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roger H. Bova", is written over a horizontal line.

Roger H. Bova  
Attorney for Petitioner  
Thompson Hine LLP  
10050 Innovation Drive, Suite 400  
Dayton, Ohio 45342  
(937) 443-6817

# CERTIFICATE OF SERVICE

This is to certify that I have this day served all counsel of record and listed registrant with the foregoing Petition for Cancellation by depositing a copy of same in the United States mail, postage prepaid and properly addressed as follows:

Samuel Digirolamo  
Husch Blackwell Sanders, LLP  
190 Carondelet PLZ STE 600  
Saint Louis, Missouri 63105-3433

Stellar Technology Company  
1647 Sauget Business Boulevard  
Sauget, Illinois 62206

This 2nd day of October, 2013.

A handwritten signature in black ink, appearing to read 'Roger H. Bora', is written over a horizontal line.

Roger H. Bora  
Attorney for Petitioner  
Thompson Hine LLP  
10050 Innovation Drive, Suite 400  
Dayton, Ohio 45342  
(937) 443-6817